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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,616	08/06/2001	Ryan Burkhardt	MS155709.1/4930	8312

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EXAMINER	
RUTTEN, JAMES D	

ART UNIT	PAPER NUMBER
2192	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/922,616	BURKHARDT ET AL.	
	Examiner	Art Unit	
	J. Derek Rutten	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 February 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,5,6,8-12,14-19,22 and 24-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,5,6,8-12,14-19,22 and 24-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/2/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to Applicant's amendment dated 2/28/2006, responding to the 12/1/2005 Office action provided in the rejection of claims 1, 2, 5, 6, 8-20, 22, and 24-31, wherein claims 1, 16, 17, 19, 29, and 30 have been amended, and claims 2, 13, 20, and 31 have been canceled. Claims 1, 5, 6, 8-12, 14-19, 22, and 24-30 remain pending in the application and have been fully considered by the examiner.

2. Applicant has essentially argued that the cited references do not disclose detaching (See page 10 filed 2/28/2006). This argument is not persuasive, as will be addressed below.

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Amendments/Arguments

4. The amendment to FIG. 2 has overcome the prior objection to the drawings. Therefore, the objection is withdrawn. Also, claim amendments have overcome prior rejections under 35 U.S.C. 112. Likewise, these rejections are withdrawn.

5. Applicant essentially argues (see page 10 filed 2/28/06) that Harding does not disclose detaching, and teaches away from detaching. Applicant has pointed to Harding column 6 lines 61-64, column 11 lines 41-48, and column 14 lines 9-26 in support of these arguments. Harding points out that non-selected modules are kept until the end of the process in order to provide an end-user the opportunity to install them (column 14 lines 9-26 as cited by Applicant). Further, Harding column 8 lines 11-14 describes a method of detaching that is accomplished automatically:

> The software setup program then runs a REBOOT.EXE program which removes the last remaining files relating to the software setup program and also deletes itself from the hard disk drive.

Further, it is not clear where Applicant is interpreting Harding as teaching away from detaching, since the above passage appears to provide support for it. Thus, Applicant's arguments are not persuasive.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1, 5, 6, 10-12, 14, 15, 18, 19, 22, 24, 25, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over prior art of record U.S. Patent 5,794,052 to Harding (hereinafter "Harding") in view of prior art of record U.S. Patent 6,189,051 to Oh et al. (hereinafter "Oh") in view of U.S. Patent 6,161,218 to Taylor et al. (hereinafter "Taylor").

As per claim 1, Harding discloses:

A computerized method of installing programs on a destination computer (column 113 lines 2-40), *said method comprising:*

defining a customizable script defining a reference system comprising a computer that has an operating system installed thereon and the programs previously staged thereon wherein the customizable script includes performing functions ...according to an order in which the programs are to be staged..., See column 4 line 64 – column 5 line 2; also column 11 lines 1-10:

> Any changes that are made to any of the files or directories resulting from the installing of that single particular module are recorded into a separate file associated with that module called a "script" file. Each module has an associated script file which specifies every change made to every file.
> ...
> FIX$FILE.BAT executes each module's batch program which runs each modules's script file located in the TEMP directory in the order that the modules are downloaded onto the hard disk drive 310. There are certain situations in which the operation of a certain software program depends upon whether that program is downloaded before or after certain other programs. Therefore, the computer manufacturer structures the menu selection system such that the download order of the selected modules will not create operational problems based upon load order.

Harding does not expressly disclose a script that performs functions *on the reference system computer* according to an order, *said order being defined by the customizable script.* However, in an analogous environment, Oh teaches that a setup file

is used to perform functions on a reference system according to a specified order. See column 4 lines 52-55:

> The setup file generating portion 530 generates information on the list of programs selected by the user interfacing portion 520 and the order in which the programs and drivers are installed as a setup file which can be executed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Oh's teaching of ordered setup files with Harding's script files. One of ordinary skill would have been motivated to produce a master reference system in order to reduce the probability of generating errors (Oh column 2 lines 2-9).

staging programs on a storage medium of the destination computer for later installation on the destination computer, said staging the programs comprising copying an image of the reference system to the storage medium of the destination computer and storing installation files for the programs on the destination computer See column 10 lines 36-40:

> Typically, software program modules are downloaded from the mass data storage device 200 to the hard disk drive 310 via a parallel port connection, or a network connection between the mass data storage device 200 and the computer system 300.

also see column 13 lines 1-5:

> As shown in box 530, **when the end user first assembles and powers on the computer system**, the computer system boots up using the subset version of DOS that is installed at the factory. **This subset version runs the software setup program.**

Harding's background teaches that reference images containing an operating system of a reference system can be copied to a destination computer (column 1 line 61 – column 2 line 6).

selecting at least one of the staged programs for installation on the destination computer See column 13 lines 8-10:

> The software setup program also prompts the end user to select a language keyboard configuration.

attaching the selected program to complete the installation thereof on the destination computer See column 13 lines 29-31:

> At this point, the software setup program simulates the method of software installation used by the computer manufacturer when preparing computer systems for the U.S.

detaching the staged programs not selected for installation by (1) deleting the files associated with the non-selected, staged programs ... or (2) by disabling the non-selected files .... See column 14 lines 27-32:

> Once the scripting program is executed, and all of the necessary changes are made to the configuration files, all files related to the software installation and setup method that are no longer needed are deleted, along with all of the non-selected compressed language modules, as shown in box 590.

Harding discloses detaching using an installation program. Neither Harding nor Oh expressly discloses directing a deletion step via a script. However, Taylor teaches that scripts are used to delete unneeded files in an installation process. See column 10 lines 52-53:

> The first thing the patch postinstall script module 504 does is to delete all the files enumerated in the Deletes file.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Taylor's teaching of a postinstall script with Harding's detach step in order to enable performance of specific tasks of well-known systems as suggested by Taylor (column 2 lines 29-35).

As per claim 5, the above rejection of claim 1 is incorporated. Harding discloses a text-based configuration file (column 5 line 36. BAT files are known to be text-based.)

As per claim 6, the above rejection of claim 1 is incorporated. Further, Harding discloses a script file that contains identification of file locations (column 4 line 64 – column 5 line 1).

As per claim 10, the above rejection of claim 1 is incorporated. Harding further discloses: *wherein attaching the selected programs includes performing one or more functions on the destination computer according to a customizable script* (column 5 lines 30-45).

As per claim 11, the above rejection of claim 10 is incorporated. Harding further discloses: *wherein the script is a text-based configuration file* (column 5 lines 35-38 describe use of a BAT file which is well known to be text-based.).

As per claim 12, the above rejection of claim 10 is incorporated. Harding further discloses: *wherein the script identifies which of the staged programs are to be attached* (column 10 lines 64-67). Harding also discloses detaching (as addressed in the above rejection of claim 1), which inherently requires identification of programs to be detached, since a program could not be detached until it is first identified.

As per claim 14, the above rejection of claim 10 is incorporated. Harding further discloses: *wherein attaching the selected programs includes executing an installation*

command routine according to the script (column 5 lines 35-37).

As per claim 15, the above rejection of claim 1 is incorporated. Harding further discloses: *wherein the programs include either application programs, utility programs, or both* (column 5 lines 3-16).

As per claim 18, the above rejection of claim 1 is incorporated. Harding further discloses: *A computer readable medium having computer-executable instructions* (column 5 lines 17-20).

As per claim 19, Harding discloses: *A system for configuring a computer* (FIG. 2). All further limitations have been addressed in the above rejection of claim 1.

As per claim 22, the above rejection of claim 19 is incorporated. All further limitations have been addressed in the above rejection of claim 11.

As per claim 24, the above rejection of claim 19 is incorporated. All further limitations have been addressed in the above rejection of claim 12.

As per claim 25, the above rejection of claim 19 is incorporated. All further limitations have been addressed in the above rejection of claim 14.

As per claim 28, the above rejection of claim 19 is incorporated. All further limitations have been addressed in the above rejection of claim 15.

8. Claims 8, 9, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harding, Oh, and Taylor as applied to claims 1 and 19 above, and further in view of prior art of record "Windows 95 Installation and Configuration Handbook" by Tidrow et al. (hereinafter "Tidrow").

As per claim 8, the above rejection of claim 1 is incorporated. Harding further discloses: *wherein staging the programs includes copying files associated with the programs to the storage medium of the destination computer without storing configuration data associated with the programs* (column 10 lines 47-54 and column 5 lines 45-50). Neither Harding, Oh, nor Taylor expressly discloses *wherein the destination computer has a registry for storing configuration data.* However, Tidrow teaches an operating system that has a registry for storing configuration data (page 407 "Using the Registry"). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Tidrow's teaching of a registry to store the configuration files of Harding. One of ordinary skill would have been motivated to consolidate the various configuration files into a single database for easier and more efficient storage and retrieval of configurations and settings.

As per claim 9, the above rejection of claim 8 is incorporated. Harding further discloses: *wherein attaching the selected programs includes storing configuration data associated with the selected programs* (column 5 lines 45-50). All further limitations have been addressed in the above rejection of claim 8.

As per claims 26 and 27, the above rejection of claim 19 is incorporated. All further limitations have been addressed in the above rejections of claims 8 and 9, respectively.

9. Claims 16, 17, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harding, Oh, and Taylor as applied to claim 1 above, and further in view of Brown in view of the "Background of the Invention" section appearing in columns 1-4 of Harding (hereinafter "Harding's background").

As per claim 16, the above rejection of claim 1 is incorporated. Harding further discloses: *executing a first installation utility on a reference computer* (column 4 lines 59-64); *controlling the first installation utility ... to stage the one or more programs on a storage medium of the reference computer* (column 5 lines 17-25); Neither Harding, Oh, nor Taylor expressly discloses: *installing an operating system on the reference computer using the installation utility; controlling the first installation utility according to the customizable script*; *defining a reference image of the storage medium of the reference computer having the operating system installed thereon and the programs staged*

thereon; and copying the reference image to the destination computer. However, Brown teaches controlling an installation utility according to a configuration script (Chapter 3: "UNATTEND.TXT"), and installing an operating system using an installation utility (Chapter 3: "Automated Installation"). Also, Harding's background teaches that reference images containing an operating system of a reference system can be copied to a destination computer (column 1 line 61 – column 2 line 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Brown's installation utility and configuration script along with Harding's background teaching of reference images in Harding's system. One of ordinary skill would have been motivated to maintain a reference image that can be packaged and distributed to computers that may not have direct access to a reference computer. A reference image allows a custom distribution of software modules to be selected and installed on a destination computer.

As per claim 17, the above rejection of claim 16 is incorporated. Harding further discloses: *executing a second installation utility on the destination computer; and controlling the second installation utility according to the customizable script to attach the selected program on the destination computer* (column 5 lines 35-45).

As per claims 29 and 30, the above rejection of claim 19 is incorporated. All further limitations have been addressed in the above rejections of claims 16 and 17, respectively.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. "Windows XP Deployment" by Thurrott discloses the "A new Windows Bill Of Materials file (WinBOM.ini) drives Sysprep, providing a scriptable OS customization environment. The WinBOM.ini file is used to apply per-machine settings like identity information, machine name, and ISP information." See page 3 paragraph 2.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Derek Rutten whose telephone number is (571) 272-3703. The examiner can normally be reached on T-Th 6:00-6:30, F 6:00-10:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TUAN DAM
SUPERVISORY PATENT EXAMINER

jdr